

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of:	Special Adjourned Meeting of the Milpitas City Council
Date:	Wednesday, November 30, 2005
Time:	6:00 PM (Closed Session) followed by Public Business
Location:	Council Chambers, Milpitas City Hall, 455 East Calaveras Blvd.

I. ROLL CALL

Mayor Esteves called the meeting to order at 6:00 PM.

PRESENT: Mayor Esteves, Vice Mayor Gomez, Councilmembers Giordano, Livengood and Polanski

ABSENT: None

CLOSED SESSION

Mayor Esteves publicly stated the Council would convene in Closed Session to discuss the following issue:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to California Government Code Section 54956.8)

Property: 110 Meadowland Dr., Milpitas, CA. Agency Negotiators: City of Milpitas - Richard Pio Roda. Negotiating Party: Williamson /Wilson
Under negotiation: Terms and Conditions for Disposition of property

The City Council reconvened in Open Session at 6:08 PM with Mayor Esteves presiding and all Councilmembers present.

**CLOSED SESSION
ANNOUNCEMENT**

City Council in Closed Session voted 5-0 to: 1) accept the buyer's offer to purchase city property located at 110 Meadowland Drive, Milpitas, CA for \$930,000; and, 2) authorized the City Manager or his designee to execute all documents and take all actions necessary with former City Manager Thomas J. Wilson to complete the sale of the City's property located at 110 Meadowland Drive, Milpitas, CA.

PLEDGE

The Mayor led all present in the Pledge of Allegiance.

II. CITIZENS FORUM

None

III. APPROVAL OF AGENDA

Motion: approve the agenda as submitted

Motion/Second: Councilmember Giordano/Vice Mayor Gomez

Motion carried by a vote of:

AYES: 5

NOES: 0

IV. PLANNING COMMISSION INTERVIEWS

Mayor Esteves and the City Council discussed the interview process. The Mayor reviewed the agenda report on the following steps:

1. Announce Schedule of Interviews
2. Conduct Interviews
3. Appoint Planning Commissioners to three positions:
 - One partial term, expires December 2006
 - Two full terms, expire December 2008

The City Council determined that there would be ten minutes per candidate devoted to questions and answers, with one question asked by each Councilmember, at a maximum two minutes per response.

Councilmember Livengood explained that there were no private interviews in this process, as it was a public meeting. The City Clerk stated one candidate (Ms. Ferry) responded she would not attend the interview.

Councilmember Polanski asked whether the applicants would have the opportunity to give an introductory statement. Mayor Esteves replied there would be one minute allotted for that purpose.

Interview for each candidate would include:

- One minute each for introduction
- Two minutes for each question, one per Councilmember (10 minutes maximum)
- Two minutes to round up at the end (13 minutes in total per applicant)

The order of interviews was selected, per random drawing by the City Clerk:

1. Mr. Ali-Santosa
2. Ms. Zeya Mohsin
3. Ms. Florence Romito
4. Ms. Deepka Lalwani
5. Mr. Jay Itchhaporia
6. Mr. Richard Ruth
7. Mr. Lawrence Ciardella
8. Dr. Phu Huu Le
9. Mr. Bill Ferguson
10. Ms. Noella Tabladillo

All candidates were then interviewed by the City Council in an interactive process, with similar questions asked of each candidate by all five Councilmembers.

At 8:20 pm, the City Council took a 5-minute break. Council returned to the meeting at 8:25 pm.

Councilmember Polanski thanked all the applicants for their time and their patience.

(1) Motion: appoint Bill Ferguson and Zeya Mohsin to full terms on the Planning Commission

Motion/second: Councilmember Polanski/ Mayor Esteves

Motion failed by a vote of: AYES: 2 (Esteves, Polanski)
 NOES: 3

(2) Motion: appoint Larry Ciardella and Noella Tabladillo to full terms

Motion/Second: Councilmember Giordano/Vice Mayor Gomez

Motion carried by a vote of: AYES: 3
 NOES: 2 (Esteves, Polanski)

(3) Motion: appoint Bill Ferguson to unexpired vacancy, one year term

Motion/Second: Councilmember Polanski/ Mayor Esteves

Motion failed by a vote of: AYES: 2 (Esteves, Polanski)
 NOES: 3

Councilmember Livengood expressed his confidence in Mr. Ferguson, and explained that the applicant was not in his top three, but he would be pleased to re-consider him if by chance any Planning Commissioner should leave office unexpectedly. If there was a desire for a “back up” list for any unexpected vacancies, he’d put Mr. Ferguson on that list.

Vice Mayor Gomez inquired of the City Attorney about such a list. Assistant City Attorney Pio Roda stated there were no alternates on the Planning Commission and no such list was maintained for vacancies. However, the Council potentially would not have to re-interview applicants who were interviewed this evening.

(4) Motion: appoint Gunawan Ali-Santosa to the unexpired vacancy, one year term

Mayor Esteves expressed why he did not support Mr. Ali-Santosa (regarding knowledge of Measure T).

Motion/Second: Councilmember Giordano/Councilmember Livengood

Motion carried by a vote of: AYES: 3
 NOES: 2 (Esteves, Polanski)

V. RECOMMENDATIONS FOR APPOINTMENT OF CITY COUNCILMEMBERS TO THE OPEN GOVERNMENT SUBCOMMITTEE

(1) Motion: Recommend Mayor Esteves for appointment to the Open Government Subcommittee

Motion/second: Mayor Esteves/Councilmember Polanski

Councilmember Polanski stated she wanted it to be a fair and balanced subcommittee, and felt that it should be a group of citizens overseeing the Open Government ordinance.

Motion failed by a vote of: AYES: 2 (Esteves, Polanski)
NOES: 3

Assistant City Attorney Pio Roda repeated the legal advice that the Mayor had the authority to make his recommendation and he should reasonably exercise his authority. No statute or case law was identified that when the Mayor's action might be considered unreasonable, or he does not act, that the Vice Mayor could take over and make the recommendation.

Mr. Pio Roda also stated that all possible alternative recommendations had not been exhausted. City Council had established the Subcommittee by ordinance and two Councilmembers shall serve. One candidate remained available for appointment (Mr. Livengood), who made known his willingness to serve, and was the one candidate who had not been voted upon by the Council.

While still one more person was available for appointment, and the Mayor was not making that recommendation, then it was possible that the Vice Mayor could move the recommendation. The Mayor maintained the power of appointment, but one more Councilmember was available for appointment. Mayor Esteves re-stated that he had reservations about the process and was uncomfortable with it.

(2) Motion: appoint Councilmember Livengood to the Open Government Subcommittee.

Motion/Second: Vice Mayor Gomez/Councilmember Giordano

Councilmember Polanski did not believe the process was correct and announced she would not vote on the motion.

Motion carried by a vote of: AYES: 3
NOES: 1 (Esteves)
ABSTAIN: 1 (Polanski)

The Council meeting was adjourned at 8:43 PM.

The foregoing minutes were approved by the City Council, as submitted on January 3, 2006.

Mary Lavelle, City Clerk